



Energy Act 2016

2016 CHAPTER 20

PART 2

FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

CHAPTER 5

SANCTIONS

Appeals

50 Appeals in relation to sanction notices

- (1) Where a sanction notice is given under this Chapter in respect of a failure to comply with a petroleum-related requirement, an appeal may be made—
 - (a) under section 51 (on the grounds that there was no such failure to comply);
 - (b) under section 52 (against the sanction imposed by the notice).
- (2) Where an appeal is made in relation to a sanction notice, the notice ceases to have effect until a decision is made by the Tribunal to confirm, vary or cancel the notice.
- (3) Where, on an appeal made in relation to a sanction notice—
 - (a) the Tribunal makes a decision to confirm or vary the notice, and
 - (b) an appeal is or may be made in relation to that decision,the Tribunal, or the Upper Tribunal, may further suspend the effect of the notice pending a decision which disposes of proceedings on such an appeal.

Commencement Information

II S. 50 in force at 1.10.2016 by S.I. 2016/920, reg. 2(b)

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016, Cross Heading: Appeals. (See end of Document for details)

51 Appeals against finding of failure to comply

- (1) This section applies where a sanction notice is given in respect of a failure to comply with a petroleum-related requirement.
- (2) An appeal may be made to the Tribunal by the person, or by any of the persons, to whom the notice was given, on the grounds that the person, or persons, did not fail to comply with the petroleum-related requirement.
- (3) On an appeal under this section, the Tribunal may confirm or cancel the sanction notice.
- (4) Where sanction notices are given on more than one occasion in respect of the same failure to comply with a petroleum-related requirement—
 - (a) an appeal under this section may be made only in relation to the sanction notice, or any of the sanction notices, given on the first of those occasions, and
 - (b) appeals in relation to sanction notices given on subsequent occasions in respect of that failure to comply may be made only under section 52 (appeals against sanction imposed).

Commencement Information

I2 S. 51 in force at 1.10.2016 by S.I. 2016/920, reg. 2(b)

52 Appeals against sanction imposed

- (1) This section applies where a sanction notice is given in respect of a failure to comply with a petroleum-related requirement.
- (2) An appeal may be made to the Tribunal—
 - (a) by the person, or by any of the persons, to whom the notice was given, and
 - (b) in the case of an operator removal notice under section 48, by the licensee under whose licence the operator operates,
 against any of the decisions of the OGA mentioned in subsection (3) (as to the sanction imposed by the notice) on the grounds mentioned in subsection (4).
- (3) Those decisions are—
 - (a) in a case where an enforcement notice has been given, the decision as to—
 - (i) the measures that are required to be taken for the purposes of compliance with the petroleum-related requirement, or
 - (ii) the period for compliance with the petroleum-related requirement;
 - (b) in a case where a financial penalty notice has been given, the decision—
 - (i) to impose a financial penalty, or
 - (ii) as to the amount of the financial penalty imposed;
 - (c) in a case where a revocation of licence notice has been given, the decision to revoke the licence, whether in relation to some or all of the persons to whom it was granted;
 - (d) in a case where an operator removal notice has been given, the decision to require the removal of the operator.
- (4) The grounds are that the decision of the OGA—
 - (a) was unreasonable, or

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- (b) was not within the powers of the OGA.
- (5) On an appeal under this section against a decision made in relation to an enforcement notice, the Tribunal may—
- (a) confirm or quash the decision, in the case of a decision as mentioned in subsection (3)(a)(i) (remedial action), or
 - (b) confirm or vary the decision, in the case of a decision as mentioned in subsection (3)(a)(ii) (period for compliance),
- and confirm, vary or cancel the enforcement notice accordingly
- (6) On an appeal under this section against a decision made in relation to a financial penalty notice, the Tribunal may—
- (a) confirm or quash the decision, in the case of a decision as mentioned in subsection (3)(b)(i) (imposition of penalty), or
 - (b) confirm or vary the decision, in the case of a decision as mentioned in subsection (3)(b)(ii) (amount of penalty),
- and confirm, vary or cancel the financial penalty notice accordingly.
- (7) The Tribunal must have regard to any guidance issued by the OGA under section 45(2)
- (a) when deciding whether to confirm or vary a decision as to the amount of a financial penalty under subsection (6)(b).
- (8) On an appeal under this section against a decision to revoke a licence or to require the removal of an operator the Tribunal may—
- (a) confirm the decision,
 - (b) vary the decision by changing the revocation date or the removal date, as the case may be, or
 - (c) quash the decision, and
- confirm, vary or cancel the sanction notice in question accordingly.
- (9) Where a decision is quashed under subsection (5)(a), (6)(a) or (8), the Tribunal may remit the decision to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate.

Commencement Information

I3 S. 52 in force at 1.10.2016 by S.I. 2016/920, reg. 2(b)

Changes to legislation:

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Appeals.